

JUN 24 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FREDRIC SANAI, an individual,

Plaintiff - Appellant,

v.

GERRY ALEXANDER, an individual; et
al.,

Defendants - Appellees.

No. 07-35305

D.C. No. CV-07-00295-MWM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted April 22, 2008^{**}

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Fredric Sanai, an attorney, appeals from the district court's judgment
dismissing his 42 U.S.C. § 1983 action alleging civil rights violations in

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

connection with his Washington State Bar disciplinary proceeding. We have jurisdiction under 28 U.S.C. § 1291. We affirm in part, vacate in part, and remand.

Younger abstention requires dismissal of this action. See *Younger v. Harris*, 401 U.S. 37 (1971); see also *Middlesex County Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 434 (1982) (setting forth *Younger* abstention doctrine requirements in the context of state bar disciplinary proceedings); *Hirsh v. Justices of Supreme Court of Cal.*, 67 F.3d 708, 713 (9th Cir. 1995) (per curiam) (concluding that *Younger* abstention was appropriate where appellant faced ongoing state bar disciplinary proceedings when he brought suit in federal court).

Because we affirm based on the *Younger* abstention doctrine, we do not reach any other issues. We vacate the district court’s judgment and remand with instructions to dismiss the action without prejudice.

Sanai’s request for judicial notice is denied.

The parties shall bear their own costs on appeal.

AFFIRMED in part; VACATED in part; and REMANDED WITH INSTRUCTIONS.